



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 5, 2022** which reads as follows:*

“G.R. No. 260197 (*Leonora Martin v. People of the Philippines*). – This Petition for Review on *Certiorari*¹ assails the Decision² dated 15 February 2021 and the Resolution³ dated 21 March 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 43682. The CA affirmed the Decision⁴ dated 28 January 2019 of Branch 16, Regional Trial Court (RTC) of Malolos City, Bulacan, which convicted petitioner Leonora Martin (petitioner) for three counts of *Estafa* under Article 315, paragraph 1(b) of the Revised Penal Code (RPC).⁵ Petitioner was sentenced to suffer the indeterminate prison term of three months of *arresto mayor*, as minimum, to one year and eight months of *prison correccional*, as maximum, for each count, and to indemnify private complainants, Spouses Henry Guerrero and Nila Guerrero (Nila) (collectively, Spouses Guerrero), the amounts of ₱358,300.00, ₱132,000.00, and ₱132,300.00.

After a judicious review of the case, this Court resolves to **DENY** the Petition for failure of petitioner to sufficiently show any cogent reason why the decisions of the RTC and the CA should be reversed. The lower courts uniformly found the existence of all the elements of the crime charged against petitioner. Petitioner failed to show that the lower courts’ findings were not supported by the evidence on record or that their decisions were contrary to applicable law and jurisprudence.

¹ *Rollo*, pp. 11-25.

² *Id.* at 37-47. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Myra V. Garcia-Fernandez and Angelene Mary W. Quimpo-Sale.

³ *Id.* at 49-50. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Myra V. Garcia-Fernandez and Angelene Mary W. Quimpo-Sale.

⁴ *Id.* at 71-86. Penned by Presiding Judge Sita Jose Clemente.

⁵ Entitled “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved: 08 December 1930.

The elements of *Estafa* under Article 315, paragraph 1(b) of the RPC are the following: (1) the offender received money, goods, or other personal property in trust, or on commission, or for administration, or under any obligation involving the duty to deliver, or to return, the same; (2) the offender misappropriated or converted the money or property received, or denied receipt of the money or property; (3) the misappropriation, conversion, or denial is to the prejudice of another; and (4) the offended party demanded that the offender return the money, goods, or property received.⁶ We find that the CA correctly held that all these elements are present in this case.

First, petitioner received pieces of jewelry from Nila as evidenced by the lists and consignment receipts which were duly signed by petitioner. She even admitted that upon receipt of the jewelries, she obligated herself to sell the same and remit the proceeds of the sale thereof or to return them to Nila if unsold.

Second, petitioner misappropriated or converted the said jewelries by failing to remit the proceeds of the sale of the jewelries and to return the unsold jewelries upon demand of Nila. “In an agency for the sale of jewelry, it [is] the agent’s duty to return the jewelry upon demand by the owner and the **failure to do so is evidence of that conversion** of the property by the agent.”⁷ While petitioner claimed that she remitted some of the proceeds of the jewelries she sold and returned the unsold ones, there was no evidence to establish such remittance or return.

The *third* and *fourth* elements were proven through Spouses Guerrero’s verbal and written demands and petitioner’s continued failure to remit the proceeds of the sale or to return the unsold jewelries despite such demands, causing damage and prejudice to Spouses Guerrero, who lost the pieces of jewelry and/or their investment therein, and the opportunity to realize profit from the sales thereof.

Petitioner’s argument that the receipts were mere receipts and not a contract of trust or commission basis is belied by petitioner’s own admission when she testified that “every time she received pieces of jewelry from [Nila], she would sign a consignment receipt, and in signing, she obligated herself to sell those pieces of jewelry she received, and that if she will be able to sell, she will remit the proceeds of the sale to [Nila],” and that she knew “she has to return the pieces of jewelry which were not sold.”⁸ Hence, it is clear that the transaction between petitioner and Nila is an agency for the sale of jewelry, and petitioner, as an agent, had the obligation to remit the proceeds of the sale or to return the unsold jewelries upon demand by Nila.

⁶ See *Arrivas v. Bacotoc*, G.R. No. 228704, 02 December 2020.

⁷ *Real v. People*, 567 Phil. 14, 20 (2008). Emphasis supplied.

⁸ *Rollo*, p. 80.

We also sustain the imposed indeterminate prison term of three months of *arresto mayor*, as minimum, to one year and eight months of *prision correccional*, as maximum, for each count of *Estafa*, being within the range of penalty prescribed under Republic Act No. 10951.⁹

Pursuant to the Court's ruling in *Rivac v. People*,¹⁰ there is a need to modify the judgment by imposing legal interest at the rate of six percent (6%) per *annum* on the total monetary awards from finality of this Resolution until its full satisfaction.

WHEREFORE, the petition is **DENIED**. The assailed Decision dated 15 February 2021 and the Resolution dated 21 March 2022 of the Court of Appeals in CA-G.R. CR No. 43682 are **AFFIRMED** with the **MODIFICATION** that the total monetary awards in favor of private complainants, Spouses Henry Guerrero and Nila Guerrero, shall earn legal interest at the rate of six percent (6%) per *annum* from the date of finality of this Resolution until full payment.

SO ORDERED." *Marquez, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

147

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Court of Appeals (x)
Manila
(CA-G.R. CR No. 43682)

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⁹ Entitled "AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE," AS AMENDED." Approved: 29 August 2017.

¹⁰ 824 Phil. 156, 172 (2018).

The Hon. Presiding Judge
Regional Trial Court, Branch 16
Malolos City, 3000 Bulacan
(Crim. Case Nos. 4387-M-2003
to 4389-M-2003)

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147

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